

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAUL ALVARADO-MARTINEZ, STACEY  
COMER, and BRANDON SCOTT  
TRAVER,

Defendants.

Case No. CR05-5747 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon a Stipulated Motion to Continue Trial Date [Dkt. #39].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Defendants Alvarado-Martinez and Comer were originally indicted together on October 12, 2005 in a one-count Indictment charging them with Retaliating Against a Witness in violation of 18 U.S.C. § 1513(b)(2) and 2. They were arraigned on that Indictment on October 21, 2005, and their trial was set for December 5, 2005. On October 26, 2005 a Superseding Indictment was returned which continued to charge Mr. Alvarado-Martinez and Mr. Comer with one count of Retaliating Against a Witness and additionally charged defendant Traver in that same single count. Mr. Traver was arraigned on that charge on November 16, 2005 and his trial was set for January 9, 2006. Because the defendants' trials have not been severed, Mr. Alvarado-Martinez and Mr. Comer's speedy trial clock attaches to Mr. Traver's for the purpose of setting


1 the date for trial. *See*, 18 U.S.C. § 3161(h)(1) and (7). The trial date for all three defendants is thus January  
2 9, 2006.

3 In addition, counsel for Mr. Comer has moved to withdraw and there is presently set on December 7,  
4 2005 an ex-parte hearing on that motion. After that hearing, if counsel is or is not permitted to withdraw, all  
5 the defendants and the government may wish to request a continuance of the January 9, 2006 trial date.  
6 Therefore, it is hereby

7 **ORDERED** that the Stipulated Motion to Continue Trial Date [Dkt. #39] is **DENIED**.

8 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing  
9 pro se.

10 Dated this 1<sup>st</sup> day of December, 2005.

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13 RONALD B. LEIGHTON  
14 UNITED STATES DISTRICT JUDGE  
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